

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: DEX MEDIA, INC.

Debtor.

YELLOW PAGES PHOTOS, INC.,

Appellant,

v.

C. A. No. 17-265-GMS

DEX MEDIA, INC.,

Appellee.

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FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

RECOMMENDATION

At Wilmington this **31st** day of **March, 2017**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. This matter is related to another appeal filed in C. A. No. 17-96 in which the same parties requested the matter be withdrawn from mediation and withdrawal was recommended on February 22, 2017. The current appeal involves a subsequent order by the Bankruptcy in the same adversary proceeding.

The parties request that this matter and the related matter be consolidated and the following briefing schedule for the consolidated appeals be entered:

Yellow Pages' opening brief April 21, 2017

DexMedia's answering brief May 26, 2017

Yellow Pages' reply brief June 23, 2017

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation are anticipated since the parties requested this matter be removed from mandatory mediation.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge Mary Pat Thyng